

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7703

BILL NUMBER: SB 455

NOTE PREPARED: Feb 4, 2003

BILL AMENDED: Feb 3, 2003

SUBJECT: Various Title 10 Provisions.

FIRST AUTHOR: Sen. Kenley

FIRST SPONSOR: Rep. Frenz

BILL STATUS: As Passed - Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill contains the following provisions:

A) Specifies the criminal intent necessary to commit offenses concerning the Criminal Justice Data Division and the emergency management and disaster law.

B) Defines "armory" for purposes of the Indiana military code. This bill specifies that the state militia consists of persons at least 18 years of age instead of males between the ages of 18 and 45. It also provides, for purposes of the law exempting an officer or enlisted man on duty in the Indiana National Guard from arrest on any civil process, that: (1) an attachment for contempt for failure to obey the command of a subpoena to testify is a civil process; and (2) a citation for a traffic violation is not a civil process.

C) Provides that if a county executive does not have a president, a member of the county executive appointed from its membership is a member of the county emergency management advisory council.

D) Repeals the Interstate Civil Defense and Disaster Compact and the Interstate Earthquake Emergency Compact.

E) Requires the affirmative vote of at least 8 of the 15 voting members of Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation for the Foundation to take action.

The bill also makes conforming amendments.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) **B)** These provisions are clarification changes and will have no fiscal impact.

D) This provision repeals the Interstate Civil Defense and Disaster Compact and the Interstate Earthquake Emergency Compact because they are superseded by the Emergency Management Assistance Compact adopted in 1998. This provision has no fiscal impact.

E) This provision changes the requirement that an affirmative vote must be at least a majority of the quorum to be at least 8 of the 15 members. This provision has no fiscal impact.

Explanation of State Revenues: **A)** This bill could increase the universe of those who could be convicted for knowingly, intentionally, or recklessly making a false return of information to the State Police Criminal Justice Data Division. This bill could also increase the universe of those who could be convicted for knowingly, intentionally, or recklessly violating the Emergency Management and Disaster Law.

If additional court cases occur and fines are collected as a result of the above provisions, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: **A)** A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

C) This provision has no fiscal impact on the county executive.

Explanation of Local Revenues: **A)** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Police.

Local Agencies Affected: Trial courts, local law enforcement.

Information Sources:

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